

Eric Adams

From: Tod Tumey <ttumey@tumeyllp.com>
Sent: Wednesday, December 18, 2019 6:18 PM
To: joshua.montgomery@mycroft.ai
Subject: Voice Tech Corporation Patent Notice (FRE 408 - Highly Confidential)
Attachments: 12_18_19_T. Tumey letter to J. Montgomery.pdf

Importance: High

FRE 408 – Highly Confidential

Mr. Montgomery,

We have had no response from Mycroft AI, Inc. regarding any of our previous correspondences with you. Please find attached our letter and accompanying draft Complaint for patent infringement by Mycroft AI, Inc.

Regards,

Tod T. Tumey | Managing Partner
Tumey L.L.P. | 5177 Richmond Avenue, Suite 1188 | Houston, Texas 77056
713.622.7005 Main | 713.622.0220 Fax
Website: www.tumeyllp.com

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TUMEY L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
5177 RICHMOND AVENUE, SUITE 1188
HOUSTON, TEXAS 77056
TELEPHONE: 713/622-7005
FAX: 713/622-0220

TOD T. TUMEY

EMAIL: ttumey@tumeyllp.com

December 18, 2019

***Via Federal Express Tracking #
777289680839 and Electronic Mail
Address joshua.montgomery@mycroft.ai***

Mr. Joshua Montgomery
Chief Executive Officer
Mycroft AI, Inc.
300 E. 39th Street
Kansas City, Missouri 64111

Re: Voice Tech Patent Family

Dear Mr. Montgomery:

We have had no response from any of our previous four attempts to contact you. Copies of our previous attempts are attached for your convenience. As you are aware, our client, Voice Tech Corporation, is the owner of the Voice Tech patent family, which includes two issued United States Patents (U.S. Patent No. 9,794,348 and U.S. Patent No. 10,491,679) as well as numerous pending patent applications.

We are aware that Mycroft AI, Inc. is selling the products Mark I and Mark II that infringe claims of the Voice Tech patent family.

As we have had no response from Mycroft AI, Inc., we have prepared a draft Complaint that we will be filing to initiate a patent infringement lawsuit against Mycroft AI, Inc.. A copy of the draft Complaint is attached for your convenience.

If Mycroft AI, Inc. does not want to be involved in a patent infringement lawsuit, please contact me as soon as possible. We will not be waiting for contact from Mycroft, AI, Inc. before we file the lawsuit.

Best regards,


Tod Tumey

Attachments

DRAFT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VOICE TECH CORPORATION,

Plaintiff,

vs.

Mycroft AI, Inc.

Defendant.

Case No. _____

Jury Trial Demanded

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Voice Tech Corporation brings the following complaint for patent infringement against Defendant Mycroft AI, Inc.

NATURE OF THIS ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Plaintiff Voice Tech Corporation ("Plaintiff") is a Texas corporation with an address at 1431 Hawthorne Avenue, Tyler, Texas 75702.

3. Defendant Mycroft AI, Inc. ("Defendant") is a corporation with its principal place of business at 300 E. 39th Street, Kansas City, Missouri 64111. Defendant has appointed National Registered Agents, Inc. as its registered agent for service of process in Missouri, and Defendant may be served at 120 South Central Avenue, Clayton, Missouri 63105.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant does business in this District and elsewhere in the State of Texas. Further, this Court has personal jurisdiction over Defendant based upon its commission of one or more acts of infringement of Plaintiff's patent in this District and elsewhere in the State of Texas.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

OPERATIVE FACTS

7. On October 17, 2017, United States Patent No. 9,794,348 ("the '348 patent"), entitled "Using Voice Commands from a Mobile Device to Remotely Access and Control a Computer," was duly and legally issued by the United States Patent and Trademark Office to Todd R. Smith. A true and correct copy of the '348 patent is attached hereto as **Exhibit 1**.

8. On November 26, 2019, United States Patent No. 10,491,679 ("the '679 patent"), entitled "Using Voice Commands from a Mobile Device to Remotely Access and Control a Computer," was duly and legally issued by the United States Patent and Trademark Office to Todd R. Smith. The '679 patent is a continuation of the '348 patent. A true and correct copy of the '679 patent is attached hereto as **Exhibit 2**.

9. Plaintiff is the owner of the '348 and the '679 patents with all substantive rights thereto, including the sole and exclusive right to enforce the '348 and the '679 patents against infringers, and to collect damages for all relevant times, including past damages.

COUNT I: INFRINGEMENT OF THE '348 PATENT

10. Plaintiff repeats and incorporates by reference the allegations contained in Paragraphs 1 through 9 as if set forth fully herein.

11. Upon information and belief, Defendant has been and currently is directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the '348 patent in

the United States in violation of 35 U.S.C. § 271 by making, using, offering for sale, selling, importing, providing, supplying, and/or distributing without limitation, the products Mark I and Mark II.

12. Upon information and belief, Defendant will continue to infringe the '348 patent unless and until it is enjoined by the Court.

13. Upon information and belief, Defendant has infringed and continues to infringe the '348 patent with full knowledge of the '348 patent, and its infringement is willful.

14. Defendant has caused and will continue to cause Plaintiff irreparable injury and damage by infringing the '348 patent. Plaintiff will suffer irreparable injury, for which it has no adequate remedy at law, unless and until Defendant is enjoined from infringing the '348 patent.

**COUNT II:
INFRINGEMENT OF THE '679 PATENT**

15. Plaintiff repeats and incorporates by reference the allegations contained in Paragraphs 1 through 14 as if set forth fully herein.

16. Upon information and belief, Defendant has been and currently is directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the '679 patent in the United States in violation of 35 U.S.C. § 271 by making, using, offering for sale, selling, importing, providing, supplying, and/or distributing without limitation, the products Mark I and Mark II.

17. Upon information and belief, Defendant will continue to infringe the '679 patent unless and until it is enjoined by the Court.

18. Upon information and belief, Defendant has infringed and continues to infringe the '679 patent with full knowledge of the '679 patent, and its infringement is willful.

19. Defendant has caused and will continue to cause Plaintiff irreparable injury and damage by infringing the '679 patent. Plaintiff will suffer irreparable injury, for which it has no adequate remedy at law, unless and until Defendant is enjoined from infringing the '679 patent.

JURY TRIAL DEMAND

20. Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

1. Judgment that one or more claims of the '348 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
2. Judgment that one or more claims of the '679 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
3. Judgment permanently enjoining Defendant and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '348 patent;
4. Judgment permanently enjoining Defendant and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '679 patent;

5. Judgment awarding Plaintiff its damages in amounts sufficient to compensate it for Defendant's infringement of the '348 patent, together with prejudgment and postjudgment interest and costs, pursuant to 35 U.S.C. § 284;
6. Judgment awarding Plaintiff its damages in amounts sufficient to compensate it for Defendant's infringement of the '679 patent, together with prejudgment and postjudgment interest and costs, pursuant to 35 U.S.C. § 284;
7. That Defendant's infringement be found willful from the time that Defendant became aware of the infringing nature of its activities, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
8. That this Court declare this an exceptional case and award Plaintiff its reasonable attorney fees, expenses, and costs in accordance with 35 U.S.C. § 285; and
9. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: _____

Respectfully submitted,

DRAFT

Eric M. Adams

eadams@tumeyllp.com

TUMEY L.L.P.

5177 Richmond Avenue, Suite 1188

Houston, Texas 77056

(713) 622-7005

(713) 622-0220 fax

ATTORNEY FOR PLAINTIFF
VOICE TECH CORPORATION

Tod Tumey

From: Tod Tumey <ttumey@tumeyllp.com>
Sent: Monday, December 09, 2019 5:26 PM
To: joshua.montgomery@mycroft.ai
Subject: Voice Tech Patent Notice (FRE 408 - Highly Confidential)
Attachments: 12_9_2019 T. Tumey letter to J. Montgomery.pdf

Importance: High

FRE 408 – Highly Confidential

Mr. Montgomery,

As you are aware, my firm represents Voice Tech Corporation, which is the owner of the Voice Tech patent family. Please review the attached letter regarding Voice Tech's patent rights:

We look forward to discussing the matter with you.

Regards,

Tod T. Tumey | Managing Partner
Tumey L.L.P. | 5177 Richmond Avenue, Suite 1188 | Houston, Texas 77056
713.622.7005 Main | 713.622.0220 Fax
Website: www.tumeyllp.com

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HOUSTON, TEXAS 77056
TELEPHONE: 713/622-7005
FAX: 713/622-0220

TOD T. TUMEY

EMAIL: ttumey@tumeyllp.com

December 9, 2019

Via Federal Express Tracking #
777191786182 and Electronic Mail
Address joshua.montgomery@mycroft.ai
Mr. Joshua Montgomery
Chief Executive Officer
Mycroft AI, Inc.
300 E. 39th Street
Kansas City, Missouri 64111

Re: Voice Tech Patent Family

Dear Mr. Montgomery:

We have had no response from any of our previous three attempts to contact you. Copies of our previous attempts are attached for your convenience. As you are aware, our client, Voice Tech Corporation, is the owner of the Voice Tech patent family, which includes two issued United States Patents (U.S. Patent No. 9,794,348 and U.S. Patent No. 10,491,679) as well as numerous pending patent applications.

We have become aware that Mycroft AI, Inc. is selling the products Mark I and Mark II that infringe claims of the Voice Tech patent family.

We are writing this letter in the hope that this matter can be privately resolved in an efficient fashion for all concerned. It is not our client's objective to impose unnecessary expenses on your company. As noted in my three previous attempts to contact you, Voice Tech is willing to allow Mycroft AI, Inc. to continue to use Voice Tech's patented technology through a non-exclusive license of the Voice Tech patent family.

Please contact me by telephone or in writing by December 17, 2019 to make satisfactory arrangements for a non-exclusive license of the Voice Tech patent family as well as agree to account for all past infringement of the Voice Tech patent family.

If we do not hear from you by December 17, 2019, Voice Tech will evaluate all options and may not provide further notice to you before taking legal action to protect Voice Tech's rights and pursue all legal remedies.

Mr. Joshua Montgomery
December 9, 2019
Page 2 of 2

Please note that this letter does not set forth a full and complete statement of Voice Tech's rights and claims against Mycroft AI, Inc. all of which are expressly reserved.

Best regards,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the text "Best regards,".

Tod Tumey

Attachments

Tod Tumey

From: Tod Tumey <ttumey@tumeyllp.com>
Sent: Sunday, December 01, 2019 11:58 AM
To: joshua.montgomery@mycroft.ai
Subject: FW: Voice Tech Corporation Patent Notice (FRE 408 - Highly Confidential)
Attachments: 11_11_2019 T. Tumey letter to J. Montgomery.pdf

Importance: High

FRE 408 – Highly Confidential

Mr. Montgomery,

I have had no response from you, and I had hoped to discuss this matter with you. I will be in touch with you very soon in a formal, legal manner regarding the Mycroft AI, Inc. use of Voice Tech's patented technology.

Regards,

Tod T. Tumey | Managing Partner
Tumey L.L.P. | 5177 Richmond Avenue, Suite 1188 | Houston, Texas 77056
713.622.7005 Main | 713.622.0220 Fax
Website: www.tumeyllp.com

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From: Tod Tumey [<mailto:ttumey@tumeyllp.com>]
Sent: Monday, November 25, 2019 2:27 PM
To: joshua.montgomery@mycroft.ai
Subject: FW: Voice Tech Corporation Patent Notice (FRE 408 - Highly Confidential)
Importance: High

FRE 408 – Highly Confidential

Mr. Montgomery,

I did not hear back from you in regards to the Voice Tech patent family. As noted, Voice Tech is willing to allow you to continue to use Voice Tech's patented technology through a non-exclusive license of the Voice Tech patent family.

Please contact me before Thanksgiving, November 28, 2019, to discuss a business arrangement.

Regards,

Tod T. Tumey | Managing Partner
Tumey L.L.P. | 5177 Richmond Avenue, Suite 1188 | Houston, Texas 77056

713.622.7005 Main | 713.622.0220 Fax
Website: www.tumeyllp.com

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From: Tod Tumey [<mailto:ttumey@tumeyllp.com>]
Sent: Monday, November 11, 2019 7:50 PM
To: 'joshua.montgomery@mycroft.ai'
Subject: Voice Tech Corporation Patent Notice (FRE 408 - Highly Confidential)
Importance: High

FRE 408 – Highly Confidential

Mr. Montgomery,

My firm represents Voice Tech Corporation, which is the owner of the Voice Tech patent family. Please review the attached letter regarding such patent family and contact me to arrange a meeting.

We look forward to discussing our future business arrangement.

Regards,

Tod T. Tumey | Managing Partner
Tumey L.L.P. | 5177 Richmond Avenue, Suite 1188 | Houston, Texas 77056
713.622.7005 Main | 713.622.0220 Fax
Website: www.tumeyllp.com

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HOUSTON, TEXAS 77056
TELEPHONE: 713/622-7005
FAX: 713/622-0220

TOD T. TUMEY

EMAIL: ttumev@tumevllp.com

November 11, 2019

Via Electronic Mail
Mr. Joshua Montgomery
Chief Executive Officer
Mycroft AI, Inc.
300 E. 39th Street
Kansas, City Missouri 64111

Re: Voice Tech Patent Family

Dear Mr. Montgomery:

We represent Voice Tech Corporation ("Voice Tech"). Voice Tech owns the Voice Tech patent family, which includes two issued United States Patents (U.S. Patent No. 9,794,348 and U.S. Patent No. 10,491,679) as well as multiple pending patent applications. We would like to discuss a possible business relationship with Mycroft AI, Inc. ("Mycroft") regarding the Voice Tech patent family.

After investigating the Mark I and Mark II ("Mark") products of Mycroft, we have determined that Mycroft requires a patent license from Voice Tech. Generally, the Voice Tech patent family relates to using voice commands from a mobile device to remotely access and control a computer. Please note that the inventor of the Voice Tech patent family first filed for patent protection on June 4, 2007, and the first patent of the Voice Tech patent family issued on October 17, 2017.

Licensees of the Voice Tech patent family are permitted to use Voice Tech's innovative technology to further their businesses. Voice Tech is willing to allow Mycroft to continue to use Voice Tech's patented technology through a non-exclusive license of the Voice Tech patent family.

I would like to arrange a time to discuss terms of the license of the Voice Tech patent family. Please contact me to arrange a meeting. I would appreciate a response by November 25, 2019.

We look forward to discussing our future business arrangement.

Best regards,


Tod Tumev